

**Certificate of Mailing/Transmission (37 C.F.R. § 1.8(a)):**

[X] Pursuant to 37 C.F.R. § 1.8, I hereby certify that this paper and all enclosures are being deposited with the United States Postal Service as first class mail on the date indicated below in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

[ ] Pursuant to 37 C.F.R. § 1.6(d), I hereby certify that this paper and all enclosures are being sent via facsimile on the date indicated below to the attention of Examiner \_\_\_\_\_ at Facsimile No. \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m.

Dated: Sept. 4, 2002 Name of Person Certifying: Nancy Hine  
Printed Name: Nancy Hine

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Kamb, et al. Assignee: Deltagen Proteomics, Inc.  
Filing Date: August 14, 2001 Examiner: J. Fredman  
Serial No.: 09/929,663 Group Art Unit: 1637  
Title: **PROCESS FOR IDENTIFICATION OF GENES, PERTURBAGENS AND  
CELLULAR TARGETS RELATING TO VIRAL GROWTH AND DISEASE**

Assistant Commissioner for Patents  
Washington, D.C. 20231

**RECEIVED**

SEP 12 2002

**REVOCATION AND APPOINTMENT OF  
NEW POWER OF ATTORNEY**

TECH CENTER 1600/2900

Dear Sir:

The undersigned hereby revokes all prior Powers of Attorney and hereby appoints the following attorneys and agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith and request that all correspondence and telephone calls with respect to this application be directed to:

**BINGHAM McCUTCHEN LLP**  
Three Embarcadero Center, Suite 1800  
San Francisco, California 94111  
Telephone No.: (415) 393-2000  
Facsimile No.: (415) 393-2286

Attorney	Registration No.	Attorney	Registration No.
Susan Hubl	47,668	David W. Maher	40,077
Antoinette F. Konski	34,202	Chris J. Ullsperger	48,006
Michael J. Shuster	41,310	Rajiv Yadav	43,999

Pursuant to 37 C.F.R. § 3.73(b), the undersigned certifies that it is the owner and Assignee of the entire right, title and interest in the above-identified application for Letters Patent by virtue of assignments from the inventors to the Assignee, which assignments were recorded at the United States Patent and Trademark Office as follows:

An Assignment from Carl Alexander Kamb and Mark A. Poritz to Ventana Genetics, Inc., was recorded with the United States Patent and Trademark Office at Reel 8578, Frames 0978 through 0981, 4 pages;

A Change of Name from Ventana Genetics, Inc. to Arcaris, Inc. was recorded with the United States Patent and Trademark Office at Reel 010015, frames 0141 through 0143, 3 pages;

A Change of Name/Merger from Arcaris, Inc. to Deltagen Proteomics, Inc., a true copy of which is attached hereto, has been forwarded to the United States Patent and Trademark Office for recordation on May 8, 2002.

The assignments have been reviewed and to the best of the undersigned's knowledge and belief, title to the above-identified application for letters patent is in the Assignee.

Please address all correspondence to the following address:

Michael J. Shuster, Ph.D.  
Bingham McCutchen LLP  
Three Embarcadero Center, Suite 1800  
San Francisco, California 94111  
Telephone No.: (415) 393-2651  
Facsimile No.: (415) 393-2286

The undersigned, whose title is supplied below, is empowered to act on behalf of the Assignee.

Date: August 28, 2002

DELTAGEN PROTEOMICS, INC.

By: Carl Alexander Kamb  
Carl Alexander Kamb  
Vice President, Research

# RECORDATION FORM COVER SHEET PATENTS ONLY

U.S. DEPARTMENT OF COMMERCE  
 Patent and Trademark Office  
 VEN-2 CIP, VEN-2 CON, VEN-3 CIP, VEN-3 CON, VEN-8 CIP, VEN-8 CON, VEN-9 CIP, VEN-9 CON

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Arcaris, Inc.

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

2. Name and address of receiving party(ies):

Name: Deltagen Proteomics, Inc.

Internal Address: \_\_\_\_\_

Street Address: 1209 Orange StreetCity: Wilmington State: DE ZIP: 19801Additional name(s) & address(es) attached? ☐ Yes ☒ No

3. Nature of conveyance:

☐ Assignment☒ Merger☐ Security Agreement☒ Change of Name☐ Other \_\_\_\_\_Execution Date(s): July 13, 2001

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date(s) of the application is/are:

and the attorney docket number is: \_\_\_\_\_

## A. Patent Application No.(s)

09/252,204 filed February 18, 1999

09/921,101 filed August 2, 2001

09/329,747 filed June 10, 1999

10/066,448 filed February 1, 2002

09/259,155 filed February 26, 1999

09/929,663 filed August 14, 2001

09/336,107 filed June 18, 1999

10/053,366 filed January 18, 2002

Additional numbers attached? ☐ Yes ☒ No

## B. Patent No.(s)

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Fish & NeaveInternal Address: James F. Haley, Jr.Street Address: 1251 Avenue of the AmericasCity: New York State: NY ZIP: 10020-11046. Total number of applications and patents involved: 87. Total fee (37 CFR 3.41).....\$320.00☒ Enclosed☐ Authorize Director to charge to deposit account☒ Authorize Director to charge excess/credit overpayment to deposit account

8. Deposit account number:

06-1075

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Barbara A. Ruskin

Name of Person Signing

Barbara Ruskin

Signature

May 8, 2002

Date

Reg. No. 39,350

Total number of pages including cover sheet, attachments, and document: 6

Mail documents to be recorded with required cover sheet information to:  
 Honorable Commissioner of Patents & Trademarks, Box Assignments  
 Washington, D.C. 20231

COPY OF PAPERS  
 ORIGINALLY FILED

State of Delaware  
Office of the Secretary of State

PAGE 1

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF MERGER, WHICH MERGES:

"WINTER GAMES ACQUISITION CORPORATION", A DELAWARE CORPORATION,

WITH AND INTO "ARCARIS, INC." UNDER THE NAME OF "DELTAGEN PROTEOMICS, INC.", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE THIRTIETH DAY OF JULY, A.D. 2001, AT 4:30 O'CLOCK P.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.



*Harriet Smith Windsor*  
Harriet Smith Windsor, Secretary of State

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AUTHENTICATION: 1272256

DATE: 07-31-01

## CERTIFICATE OF MERGER

The undersigned, the President of Arcaris, Inc., a Delaware corporation, hereby certifies in connection with the merger of Arcaris, Inc. and Winter Games Acquisition Corporation that:

1. The name and state of incorporation of each of the constituent corporations of the merger is as follows:

Name	State of Incorporation
Winter Games Acquisition Corporation	Delaware
Arcaris, Inc.	Delaware

2. An agreement and plan of merger has been approved, adopted, certified, executed and acknowledged by each of the constituent corporations in accordance with the requirements of Section 251 of the General Corporation Law of the State of Delaware.

3. The name of the surviving corporation of the merger is Arcaris, Inc.

4. The certificate of incorporation of the surviving corporation shall be amended and restated as set forth in Exhibit A.

5. The executed agreement and plan of merger is on file at an office of the surviving corporation. The address of the office of the surviving corporation at which the agreement of merger is filed is 615 Arapahoe Drive, Suite 300 Salt Lake City, UT 84108.

6. A copy of the agreement and plan of merger will be furnished by the surviving corporation, on request and without cost, to any stockholder of any constituent corporation.

Exhibit A  
**AMENDED AND RESTATED CERTIFICATE OF INCORPORATION  
OF  
ARCARIS, INC.**

**ARTICLE I**

The name of the corporation is Deltagen Proteomics, Inc. (the "Corporation").

**ARTICLE II**

The address of the Corporation's registered office in the State of Delaware is 1209 Orange Street, in the city of Wilmington, County of New Castle, Delaware 19801. The name of its registered agent at such address is The Corporation Trust Company.

**ARTICLE III**

The purpose of the Corporation is to engage in any lawful act or activity for which corporations may be organized under the General Corporation Law of Delaware.

**ARTICLE IV**

The aggregate number of shares which the Corporation shall have authority to issue is 1,000 shares of capital stock, all of which shall be designated "Common Stock," par value \$0.01 per share.

**ARTICLE V**

The Board of Directors of the Corporation is expressly authorized to make, alter or repeal Bylaws of the Corporation.

**ARTICLE VI**

Elections of directors need not be by written ballot unless otherwise provided in the Bylaws of the Corporation.

**ARTICLE VII**

(A) To the fullest extent permitted by the Delaware General Corporation Law, as the same exists or as may hereafter be amended, a director of the Corporation shall not be personally liable to the Corporation or its stockholders for monetary damages for breach of fiduciary duty as a director.

(B) The Corporation shall indemnify to the fullest extent permitted by law any person made or threatened to be made a party to an action or proceeding, whether criminal, civil, administrative or investigative, by reason of the fact that he, his testator or intestate is or was a director or officer of the Corporation or any predecessor of the Corporation, or serves or served at any other enterprise as a director or officer at the request of the Corporation or any predecessor to the Corporation.

(C) Neither any amendment nor repeal of this Article VII, nor the adoption of any provision of the Corporation's Certificate of Incorporation inconsistent with this Article VII, shall eliminate or reduce the effect of this Article VII in respect of any matter occurring, or any action or proceeding accruing or arising or that, but for this Article VII, would accrue or arise, prior to such amendment, repeal or adoption of an inconsistent provision.

• • •


JUL-30-2001 09:59

ORRICK HERRINGTON

4157734276 P.03/05

Arcaris, Inc. has caused the Certificate to be signed by Alexander Kamb, its authorized officer, this 30<sup>th</sup> day of July, 2001.

Arcaris, Inc.

By:   
Name: Alexander Kamb, President & Chief  
Executive Officer